



## THE WOOL BOARD REGULATIONS 1995

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CATHERINE A. TIZARD, Governor-General

### ORDER IN COUNCIL

At Wellington this 27th day of February 1995

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 71 (1) of the Wool Industry Act 1977, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### ANALYSIS

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Wool Board Regulations 1995.

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Wool Industry Act 1977:

“The Board” means the New Zealand Wool Board established under section 4 of the Act:

“Candidate” means a person validly nominated pursuant to regulation 24 of these regulations to be elected for appointment as a growers’ representative:

“Election day” means, in relation to any election, the day appointed by the Board under regulation 23 (1) of these regulations as the last day for the receipt of ballot papers by the returning officer:

“Farming entity” means a sheep farming business (whether the business is carried out in conjunction with any other farming business or not and whether the business is carried out on more than one piece of land or not) in New Zealand:

“Grower” means a person engaged in business as a sheep farmer (whether in conjunction with any other farming business or not) in New Zealand, and who owns 100 or more sheep:

“Growers’ representative” means a director of the Board holding office under section 4 (2) (a) of the Act:

“New Zealand Post” has the meaning given to it by section 3 (1) of the Electoral Act 1993:

“Returning officer”,—

(a) Where there is for the time being a person appointed by the Board under regulation 6 (1) of these regulations to act as returning officer for the purposes of these regulations, means that person; and

(b) In any other case, means the Secretary of the Board.

**3. Election of growers’ representatives**—Every growers’ representative shall, before appointment, be elected by growers in accordance with these regulations.

*Wards*

**4. Wards**—(1) For the purposes of these regulations, New Zealand shall be divided into 6 wards as follows:

## (a) North Island:

(i) *Northern*: comprising Far North District, Whangarei District, Kaipara District, Rodney District, North Shore City, Auckland City, Waitakere City, Manukau City, Papakura District, Franklin District, Thames-Coromandel District, Hauraki District, Waikato District, Waipa District, Hamilton City, Matamata-Piako District, Otorohanga District, South Waikato District, Rotorua District, Waitomo District, Western Bay of Plenty District, Taupo District, Tauranga District, Kawerau District, Whakatane District, and Opotiki District:

(ii) *Eastern*: comprising Gisborne District, Wairoa District, Hastings District, Napier City, Central Hawke's Bay District, Tararua District, Masterton District, Carterton District, and South Wairarapa District:

(iii) *Western*: comprising Ruapehu District, New Plymouth District, Stratford District, South Taranaki District, Wanganui District, Rangitikei District, Manawatu District, Palmerston North City, Horowhenua District, Kapiti Coast District, Porirua City, Upper Hutt City, Lower Hutt City, and Wellington City:

## (b) South Island:

(i) *Northern*: comprising Nelson City, Tasman District, Marlborough District, Kaikoura District, Buller District, Hurunui District, Grey District, Selwyn District, Westland District, Ashburton District, Waimakariri District, Christchurch City, Banks Peninsula District, and the Chatham Islands County:

(ii) *Central*: comprising Mackenzie District, Timaru District, Waimate District, Waitaki District, Central Otago District, Queenstown-Lakes District, and Dunedin City:

(iii) *Southern*: comprising Clutha District, Gore District, Invercargill City, and Southland District.

(2) The boundaries of territorial authority districts within each ward shall be in accordance with the Local Government Act 1974.

**5. One representative per ward**—One growers' representative shall represent each ward.

*Returning Officer*

**6. Returning officer**—(1) The Board shall appoint a person (other than a director or existing employee of the Board) to act as returning officer for the purposes of these regulations.

(2) Correspondence to the returning officer should be sent to The Returning Officer, c/o New Zealand Wool Board, Wellington.

*Rolls*

**7. Roll**—(1) The Board shall maintain a roll in respect of each ward.

(2) Each roll shall comprise—

(a) The names, arranged in alphabetical order of their surnames, of every person who is—

(i) Registered in accordance with any of the provisions of regulations 9 to 13 of these regulations; or

(ii) Nominated in accordance with regulation 14 of these regulations; and

(b) The address of the farming entity in respect of which the person is registered or nominated.

**8. Entitlement to be registered as voter**—(1) Subject to subclause (2) of this regulation and to regulations 9 to 14 of these regulations, every grower is qualified to be registered as a voter of the ward in which the grower's farming entity is situated.

(2) Where any one farming entity is situated on land located in two or more wards, the grower shall, by virtue of that farming entity, be qualified to be registered as a voter of such one of those wards as the grower elects.

**9. One voter's name per farming entity**—Only one name shall be entered on the roll in respect of each farming entity in each ward—

- (a) Irrespective of the number of growers carrying on the business of that farming entity; and
- (b) Irrespective of the number of sheep farming businesses carried on by that farming entity in that ward.

**10. No person to be registered more than once**—(1) The name of any person shall not appear more than once on any roll maintained by the Board in respect of a ward.

(2) Nothing in subclause (1) of this regulation prevents the name of any person appearing on any roll more than once if the capacity in which the person's name appears is different in each case. This will occur, for example, where a person is not only engaged in business as a sheep farmer on his or her own account but is also one or more of the following:

- (a) The executor or administrator of the estate of a deceased grower; or
- (b) A nominee under regulation 14 of these regulations; or
- (c) The manager under any of sections 31 to 33 of the Protection of Personal and Property Rights Act 1988 of a grower's farming entity.

**11. Registration as voter**—(1) A grower or a duly appointed attorney of a grower may at any time make application to the Board, on a form provided by the Board, for the registration of the grower as a voter of the ward in which the grower's farming entity is situated.

(2) Where an application is made to the Board under subclause (1) of this regulation by the duly appointed attorney of a grower, that application shall be accompanied by—

- (a) A copy of the power of attorney; and
- (b) A certificate of non-revocation of the power of attorney (which certificate shall be signed by the person appointed as attorney).

**12. Registration of executor or administrator**—Where the business of a deceased grower is being carried on by the executor or administrator of the deceased grower's estate, that executor or administrator may apply for registration as a voter of the ward in which the grower's farming entity is situated and may be registered as "[Name of executor or administrator], executor (or administrator) of the estate of [Name of grower], deceased."

**13. Registration of manager under Protection of Personal and Property Rights Act 1988**—(1) Where the grower is—

- (a) A person who is subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or
- (b) A person for whom a trustee corporation is acting as manager under section 32 or section 33 of the Protection of Personal and Property Rights Act 1988,—

the person appointed or the trustee corporation acting as the manager of the grower's farming entity may apply for registration as a voter of the ward in which the grower's farming entity is situated and may be registered as "[Name of person appointed or name of trustee corporation], manager under the Protection of Personal and Property Rights Act 1988 of the property of [Name of grower]."

(2) Where an application is made to the Board under subclause (1) of this regulation the application shall be accompanied, as the case may require, by a copy of the order made under section 31 of the Protection of Personal and Property Rights Act 1988 or by a copy of the application filed under section 32 or section 33 of that Act.

**14. Nominations in respect of roll**—(1) Where the business of a farming entity is carried on in a ward—

- (a) By a partnership or a body corporate or a trust; or
- (b) By two or more persons jointly; or
- (c) By two or more persons as tenants in common; or
- (d) By any society or association of persons, whether corporate or unincorporate,—

the person or persons carrying on that business may nominate one natural person to be registered as a voter of, and to vote on behalf of that farming entity in, that ward.

(2) A nomination under subclause (1) of this regulation shall be effected by delivering to the Board, on a form provided by the Board, a written nomination signed by or on behalf of the person or persons effecting the nomination.

(3) Any nomination under this regulation may at any time, by notice in writing delivered to the Board, be revoked in a like manner.

(4) Where any person nominated under this regulation is registered as a voter of a ward, the entry shall be followed by the words "Nominee of [Name of partnership, body corporate, or trust, etc.]"

**15. Restriction on registration before election**—(1) This regulation applies to any application for registration as a voter, or any nomination under regulation 14 (1) of these regulations, in respect of a ward that is received within the period of 56 days before any election day appointed by the Board in relation to an election in that ward.

(2) The Board—

- (a) Shall not be required to consider any such application or nomination:
- (b) May, in its discretion, consider any such application or nomination, unless further evidence appears to be required by the Board under regulation 18 (2) of these regulations in order to determine the issue:

(c) Shall not, at any time in the period of 35 days before the election day, register any such application or nomination on the roll in respect of that ward.

(3) For the purposes of subclause (1) of this regulation, any such application or nomination shall be deemed to have been received before the beginning of the period of 56 days specified in subclause (1) of this regulation if—

- (a) The application or envelope in which it is contained bears a postmark or date stamp impressed at any New Zealand Post outlet or agency before the start of that period; or

- (b) The applicant for registration produces a receipt which relates to the application and which was issued by any New Zealand Post outlet or agency before the start of that period.

**16. Rolls open to inspection, etc.**—The Board shall ensure—

- (a) That a copy of the roll in respect of each ward is kept for inspection by the public during normal office hours; and  
 (b) That any grower who is not on the roll may consult with the Board to determine whether that grower is qualified to be registered as a voter of any particular ward.

**17. Objections**—(1) Any grower who is registered as a voter for any ward may object to the name of any person being on the roll for that ward or any other ward on the grounds that the person is not qualified to be registered as a voter of the ward in question.

(2) Every such objection shall be made in writing to the returning officer, and shall specify particulars of the objection.

(3) The returning officer may require the person making the objection to supply such evidence in support of the objection as the returning officer may reasonably require in order to determine the objection.

(4) The returning officer shall—

- (a) Consider every objection; and  
 (b) Determine whether or not it should be accepted.

(5) The Board shall—

- (a) Implement each decision of the returning officer; and  
 (b) Amend the roll as necessary; and  
 (c) Notify the person objected to and the objector accordingly.

(6) No person's name shall be removed from a roll pursuant to an objection made under subclause (1) of this regulation unless the returning officer has—

- (a) Given to the person objected to notice in writing of the objection and of the particulars of the objection; and  
 (b) Given the person objected to an opportunity to make to the returning officer representations in relation to the objection; and  
 (c) Considered any representations made to the returning officer by the person objected to within 14 days after the day on which the notice specified in paragraph (a) of this subclause was given to that person.

(7) The notice required by subclause 6 (a) of this regulation to be given to the person objected to shall be delivered to that person personally or sent to that person by post.

(8) Where the notice required by subclause (6) (a) of this regulation is sent by post to the person objected to, that notice shall be deemed to have been delivered to that person on the sixth day after the day on which it was posted, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

**18. Provisions relating to applications for registration and nominations**—(1) Every application for registration as a voter and every nomination under regulation 14 (1) of these regulations—

- (a) Shall be made in writing to the Board:

(b) Shall, in the case of an application for registration, be accompanied by a declaration (in a form approved by the Board) as to the applicant's eligibility to vote in respect of that ward.

(2) The Board may require the person to supply such other evidence in support of the application or nomination as the Board may reasonably require in order to determine the issue.

(3) The Board shall—

(a) Consider every such application or nomination; and

(b) Determine whether or not it should be accepted; and

(c) Amend the relevant roll as necessary; and

(d) If the application or nomination is not accepted, notify the applicant or the person or persons effecting the nomination accordingly, stating the reasons why it was not accepted.

**19. Power of Board to amend roll—**(1) Where the Board has reason to believe that any person has changed his or her name, the Board may correct the roll.

(2) Where the Board has reason to believe—

(a) That any person has died or that any farming entity has been dissolved or wound up; or

(b) That any person has ceased to be engaged in business as a sheep farmer; or

(c) That any person is for any other reason no longer entitled to be registered as a voter of a ward,—

the Board may remove that person's name from the roll in respect of that ward.

(3) Where the Board has reason to believe that any person has become entitled to be registered as a voter of a ward, the Board may enter that person's name on the roll for that ward accordingly.

(4) Where the Board has removed any person's name from any roll in error, the Board may re-enter that person's name on that roll.

**20. Revision of roll—**(1) The Board may from time to time direct an inquiry to be made concerning the particulars of all persons whose names are on the roll for a ward.

(2) Every inquiry—

(a) Shall be in writing; and

(b) Shall require the person to whom it is addressed to sign and return any form supplied by the Board together with any corrections to the information contained in it.

(3) Where any person fails to respond to an inquiry under subclause (2) of this regulation, the Board shall, after making such further inquiry as the Board thinks fit, remove the name of that person from the roll.

#### *Elections*

**21. One vote per name on roll—**(1) Every person who is registered as a voter of a ward shall be eligible to exercise one vote in an election in respect of that ward.

(2) Where any person's name appears on the roll for a ward more than once in accordance with regulation 10 (2) of these regulations, that person shall be eligible to exercise one vote for each time that his or her name so appears on the roll in an election in respect of the ward.

(3) Every vote shall be exercised personally, and not by proxy.

**22. Election to be held whenever vacancy occurs**—(1) Subject to subsections (2) and (3) (a) of section 9 of the Act, the Board shall hold an election in each or any ward whenever there is a vacancy in the office of the growers' representative representing that ward.

(2) Elections shall be held so as to coincide as closely as practicable with the expiry of the term of appointment of the vacating growers' representative, or as soon as practicable after his or her resignation, death, or removal from office, as the case may be.

**23. Growers to be notified of election**—(1) At least 98 days before the election day (as determined by the Board) in respect of a ward, the Board shall give public notice stating—

- (a) That an election is to be held by postal ballot in respect of that ward; and
- (b) The election day; and
- (c) That the Board invites nominations for candidates in the election, and the form and closing date for nominations; and
- (d) That growers carrying on business as sheep farmers in that ward may apply to the Board for registration as voters, and the form and closing date for applications; and
- (e) The place or places where a copy of the roll is kept for inspection by the public.

(2) Every such public notice shall be given in such daily newspapers or such national farming newspapers or both as the Board considers appropriate.

**24. Nominations of candidates**—(1) No person is eligible to be elected for appointment as a growers' representative unless he or she is nominated in accordance with this regulation.

(2) Every nomination—

- (a) Shall be in a form approved by the returning officer; and
- (b) Shall be made by a person who is registered as a voter for the ward in respect of which the election is to take place and shall be seconded by another such person; and
- (c) Shall be assented to by the nominee in writing; and
- (d) Shall be sent or given to the returning officer.

(3) Nominations shall close at 5 p.m. on the day 77 days before the election day. No nomination received after that time shall be accepted.

(4) The returning officer's decision as to the validity or acceptance of a nomination is final.

(5) As soon as practicable after so deciding, the returning officer shall give the Board written notice of any nomination.

(6) As soon as practicable after the close of nominations, the Board shall give public notice, in such manner as the Board thinks fit, of the nominations.

**25. Position where only one candidate**—(1) If at any election only one candidate is nominated for election for each or any ward, the returning officer shall declare the candidate so nominated to be duly elected.

(2) As soon as practicable after so declaring, the returning officer shall give the Board written notice stating that only one candidate was nominated for election for the ward, the name of that candidate, and that the person is duly elected.



**26. Position where more than one candidate—**(1) If at any election more than one candidate is nominated for election for each or any ward, an election shall be conducted by postal ballot of voters of that ward in accordance with the following provisions:

- (a) The returning officer shall, immediately after the closing day for nominations, arrange for the preparation of ballot papers, setting out the names of the candidates in the alphabetical order of their surnames, and stating that to be a valid vote it must reach the returning officer by 5 p.m. on the election day:
- (b) The roll as it stands on the day 35 days before the election day shall be used as the electoral roll in respect of the ward:
- (c) The returning officer shall, as soon as possible after the ballot papers have been prepared, and not later than 28 days before the election day, arrange for one ballot paper, together with an envelope addressed to The Returning Officer, c/o New Zealand Wool Board, [Postal address], Wellington marked "ballot paper", to be sent by post to every person whose name is on the roll, at the address appearing on the roll or to any other address nominated by the person:
- (d) No ballot paper shall be valid unless it is received by the returning officer before 5 p.m. on the election day:
- (e) The person voting shall vote for one candidate only by marking the ballot paper in such manner that the name of the person for whom he or she wishes to vote is clear to the returning officer:
- (f) Each candidate may, by notice in writing to the returning officer, appoint one scrutineer to be present when the envelopes containing the voting papers of the election in which he or she is a candidate are opened and the votes are counted:
- (g) The returning officer, with such assistance as the returning officer considers necessary, shall count the votes recorded in the ballot papers received by him or her after rejecting invalid ballot papers, and the candidate receiving the greatest number of votes shall be elected. In the event of the number of votes being equal for any 2 or more candidates, the returning officer shall, if it is necessary to do so, determine by lot which of those candidates shall be elected.

(2) As soon as practicable after the conclusion of an election, the returning officer shall give the Board written notice stating the number of votes recorded for each candidate, and the name of the candidate who has been elected for each or any ward.

**27. Returning officer to be sole judge of regularity of election—**

(1) The returning officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election shall be called into question on the grounds that—

- (a) A ballot paper or an addressed envelope was not forwarded to any voter; or
- (b) A ballot paper from any voter was not received by the returning officer; or
- (c) A ballot paper prepared by the returning officer was invalid in form; or
- (d) Any vote was invalidly cast; or
- (e) Any other irregularity occurred in connection with any election,—

unless in the opinion of the returning officer any such irregularity materially affected the result of the election and occurred otherwise than in good faith.

(2) No election shall be called into question on the grounds that any time limit prescribed by these regulations (other than a time limit prescribed by regulation 15 or regulation 24 (3) or regulation 26 (1) (d) of these regulations) was not strictly adhered to, unless in the opinion of the returning officer any such irregularity materially affected the result of the election.

(3) If any election is called into question under this regulation, the returning officer shall either—

(a) Recount the votes after—

(i) Including any vote that was not previously counted due to the irregularity; and

(ii) Rejecting any vote that was invalidly cast; and

(iii) Rejecting invalid ballot papers; or

(b) If the returning officer considers it necessary, notify the Board that another election should be held.

(4) The returning officer shall, as soon as practicable after recounting the votes or after another election is held, give the Board written notice stating the number of votes recorded for each candidate, and the name of the candidate who has been elected for each or any ward.

(5) Any person who is elected and appointed as a result of an irregular election, but who is not the candidate who is finally elected for the ward, shall be deemed to have resigned office.

**28. Board to inform Minister of elected candidates**—As soon as practicable after the conclusion of an election, the Board shall give the Minister of Agriculture written notice of the name of the person elected for each or any ward.

**29. Board to publicly notify results of election**—(1) As soon as practicable after the conclusion of an election, the Board shall give public notice stating the number of votes recorded for each candidate (if a ballot was held), and the candidate who has been elected for each or any ward.

(2) Every such public notice shall be given in such daily newspapers or such national farming newspapers or both as the Board considers appropriate.

#### *Transitional Provisions and Revocation*

**30. Transitional provisions**—(1) Notwithstanding regulation 22 of these regulations, whenever the term of office of a growers' representative expires, the Board shall hold an election in the ward that is closest to the top of the following list and for which no growers' representative has yet been elected under these regulations:

(a) South Island (*Southern*):

(b) North Island (*Western*):

(c) South Island (*Northern*):

(d) North Island (*Eastern*):

(e) South Island (*Central*):

(f) North Island (*Northern*).

(2) Every such election shall be held so as to coincide as closely as practicable with the expiry of the term of appointment of the vacating growers' representative.

(3) Notwithstanding regulation 22 of these regulations, whenever an election is to be held following an extraordinary vacancy, the Board shall, as soon as practicable after the vacating growers' representative's resignation, death, or removal from office, as the case may be, hold an election in a ward in which an election would have been held in accordance with subclause (1) of this regulation at the time at which the person's term of office would have expired.

**31. Revocation**—The Wool Board Election Regulations 1994\* are hereby consequentially revoked.

MARIE SHROFF,  
Clerk of the Executive Council.

\*S.R. 1994/11

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations prescribe the method of election of the 6 directors of the New Zealand Wool Board who are appointed to represent the wool growers of New Zealand. The regulations replace the present system, whereby those directors are elected by an Electoral Committee, with a system of direct election by sheep farmers owning 100 or more sheep.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 March 1995.

These regulations are administered in the Ministry of Agriculture and Fisheries.